

March 20, 2009

Re: SB 394 - Expand types of elections that may be conducted by mail ballot election

DOTED 10
DATE 3/20/09
SB 394

Dear House State Administration Committee Members:

Disability Rights Montana opposes SB 394 for two reasons. First, mail balloting disadvantages persons who move frequently, which include low income people with disabilities and second, the bill fails to make necessary changes to provide more than the most minimal access to accessible voting machines for people with disabilities.

1. The reliable studies of vote by mail indicate that it causes the greatest increase in turnout among affluent voters on off-year elections, but that the same increase is not seen among low income and minority voters. Although there are a variety of explanations for why mail ballots results in these findings, the frequency with which people move their residence and the effect of this on the reliability of mail service are some of the more significant factors. Low income people are especially mobile.

2. Our primary technical concern about the bill as written has to do with the limitation of access to accessible voting machines that will occur when polling places are eliminated. Current mail ballot law requires just one "place of deposit" per county. Presumably counties will provide an AutoMARK machine at this place of deposit, but even if it is provided, in most counties this will represent a substantial restriction of access to AutoMARK machines for federal elections, where they are available at every polling place.

SB 394 was amended on the Senate floor to ostensibly address concerns of the disability community. None of the lobbyists for the disability community were told about this amendment, nor did we support it. This is so as the amendment merely requires counties to disclose the number of places of deposit and the accessibility features provided by the counties who choose mail ballot elections. The amendment did nothing to address the real problems in this bill.

Our current hybrid voting system provides polling places as well as mail balloting for those who choose the permanent absentee system. Making a radical change to eliminate polling places with legislation that does not address serious concerns about procedural issues in conducting these elections where mail balloting may disadvantage persons with disabilities does not make sense.

While we sympathize with the funding and logistical issues expressed by the county clerks and recorders in support of mail balloting, we believe that this should be addressed by requiring the state to reimburse the counties for the expense of running state elections, and not through a possible restriction of access to voting for low income people.

Sincerely,

Beth Brenneman

Staff Attorney, Disability Rights Montana